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GENERAL ASSEMBLY
Fifty-first session
Agenda items 33, 35, 54 and 85
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
IMPLEMENTATION OF THE RESOLUTIONS
OF THE UNITED NATIONS
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fifty-first year

Letter dated 24 September 1996 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I have been instructed to bring the following to your immediate attention.

Israel, the occupying Power, has committed yet another dangerous violation of its obligations under international law, international humanitarian law and relevant Security Council resolutions. On the evening of Monday, 23 September 1996, the Israeli occupying authorities, under the protection of army units, opened an entrance to a tunnel in the vicinity of Al-Haram Al-Sharif in occupied East Jerusalem. The tunnel extends for approximately 500 yards, parallel to the Western Wall of Al-Aqsa Mosque. It runs from the south-west corner of Al-Aqsa wall until Bab Al-Gawanimeh at the north-west corner, continuing eastward and north to Al-Aqsa Mosque. The ground broken for the opening of the tunnel is located at the stairs leading to Al-Rawda School, which is owned by the Islamic Waqf and is situated north of Al-Aqsa Mosque. As such, the opening of this entrance and any use of the tunnel endanger the security and integrity of Al-Aqsa Mosque and the foundations of the Islamic structures existing above the tunnel.

The Security Council has repeatedly affirmed the applicability of the fourth Geneva Convention of 1949 to all the territories occupied by Israel since 1967, including Jerusalem, and has called upon Israel to abide by the provisions of the Convention. In several of its resolutions, the Council declared all

Israeli measures and actions which aim at changing the status of Jerusalem as invalid, and it called upon Israel to rescind all such measures and to desist from further action changing the status of Jerusalem. The above-mentioned Israeli action is obviously another measure aimed at the Judaization of the city, creating yet additional facts with regard to the Holy City's status.

In this regard, and given the extremely important religious and spiritual nature of the issue, we call upon the Security Council to take the necessary steps to address this issue and to have the Israeli action reversed.

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the General Assembly, under agenda items 33, 35, 54 and 85, and of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

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LETTER DATED 24 SEPTEMBER 1996 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 25 July 1996 (S/1996/682) enclosing the report of the International Commission of Inquiry in Burundi has been brought to the attention of the members of the Security Council.

The members of the Security Council are gravely concerned at the conclusions of the Commission set out in its report.

The members of the Security Council continue to attach the utmost importance to bringing to justice those responsible for the assassinations, the massacres and other acts of serious violence which occurred in and after October 1993. They note that the Commission considers that it is not in a position to identify by name the persons who should be brought to justice for those acts.

The members of the Security Council have also taken note of the recommendations made by the Commission. They note the conclusion of the Commission that these recommendations cannot be implemented under the conditions prevailing in Burundi as described.

The members of the Security Council are of the view that, once conditions permit, the recommendations of the Commission should be given further consideration. They believe it is vital that measures to deal with the problem of impunity should be addressed in the context of a negotiated political settlement in Burundi, as called for in Security Council resolution 1072 (1996), for which regional leaders, the Council and the wider international community are working urgently. They intend, therefore, to remain seized of the matter and to consider further action with regard to the report of the Commission in the light of development in the country.

The members of the Security Council note that the Commission was not able to function freely. They request you to convey to the Commission their

appreciation for the arduous and valuable work carried out by Commission members in extremely difficult circumstances.

(Signed) Alfredo LOPES CABRAL
President of the Security Council